In the High Court of Punjab and Haryana at Chandigarh

C.R. No. 4811 of 2006
Date of decision:12-9-2006

Sat Pal .....Petitioner

Versus

Rajinder Kumar and others .....Respondents

CORAM: Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr. Rakesh Gupta, Advocate, for the petitioner.

VINOD K.SHARMA,J. (ORAL)

The present revision petition has been filed against the orders passed by the learned Courts below rejecting the application moved by the petitioner under order 39 Rules 1 & 2 of the Code of Civil Procedure seeking injunction restraining respondent Nos.1 and 2 from dispossessing him from the shop in dispute except in due process of law.

The case of the petitioner was that earlier an eviction petition was filed against him which was subsequently got dismissed as withdrawn by the respondent Nos.2 and 3 and thereafter a noble method was adopted for dispossessing him by showing that respondent No.4 was inducted as a tenant and an ejectment petition was filed against him and in execution of the decree passed against respondent No.4, an attempt is being made to dispossess the petitioner from the shop in dispute.

The learned Courts below have rejected the application moved by the petitioner by observing that the petitioner has a remedy of filing objections in the execution of ejectment order dated 3-12-2005.

In view of the fact that the right of the petitioner has been protected by the Courts below, there is no error in exercise of jurisdiction which may call for interference by this Court. However, the petitioner is at liberty to file objections in the execution application on the basis of the pleas taken in the suit.

With the above observation, the revision petition is dismissed being devoid of any merit.

12-9-2006, **(VINOD K.SHARMA)**
'dls' **JUDGE**